

# Ballard Spahr LLP

-----  
1225 17th Street, Suite 2300  
Denver, CO 80202-5596  
TEL 303.292.2400  
FAX 303.296.3956  
www.ballardspahr.com

Steven W. Suflas  
Licensed in CO/NJ/PA  
Tel: 303.299.7326  
Fax: 303.296.3956  
suflas@ballardspahr.com

May 23, 2018

Marcia M. Waldron  
Clerk of the Court  
United States Court of Appeals for the Third Circuit  
21400 U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

Re: The Rose Group d/b/a Applebee's Restaurant v. National Labor Relations Board, No. 15-4092 and No. 16-1212

Dear Ms. Waldron:

This firm represents Appellant, The Rose Group.

Pursuant to Fed. R. Civ. P. 28(j), we write to bring to the Court's attention the May 21, 2018 ruling of United States Supreme Court in *Epic Systems Corp. v. Lewis*, No. 16-285; *Ernst & Young LLP v. Morris*, No. 16-300; and *NLRB v. Murphy Oil USA, Inc.*, No. 16-307. In its decision, the Supreme Court affirmed the judgment of the United States Court of Appeals for the Fifth Circuit in *Murphy Oil*.

As acknowledged by the National Labor Relations Board on its website, the Supreme Court's decision "clearly establishes that arbitration agreements providing for individualized proceedings, and waiving the right to participate in class or collective actions, are lawful and enforceable." National Labor Relations Board, *Supreme Court Issues Decision in NLRB v. Murphy Oil USA*, <https://www.nlr.gov/news-outreach/news-story/supreme-court-issues-decision-nlr-b-v-murphy-oil-usa> (last visited May 23, 2018).

The decision rendered by the Supreme Court is determinative in this case.

Very truly yours,



Steven W. Suflas

Marcia M. Waldron

May 23, 2018

Page 2

cc: Jennifer Abruzzo, Esq.  
Linda Dreeben, Esq.  
Richard Griffin, Esq.  
Elizabeth Heaney, Esq.  
Barbara Sheehy, Esq.  
Harold C. Becker, Esq.